

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

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**IN RE:**

**ATRIUM MEDICAL CORP. C-QUR MESH  
PRODUCTS LIABILITY LITIGATION**

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**MDL NO. 2753**

**MDL Docket No.  
1:16-md-02753-LM  
ALL CASES**

**DEFENDANT GETINGE AB'S RENEWED  
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION**

NOW COMES Getinge AB through the undersigned counsel and respectfully renews its Motion to Dismiss for Lack of Personal Jurisdiction. For the reasons set forth below, and as more fully explained in the accompanying Memorandum of Law, the Court lacks personal jurisdiction over Getinge AB and so all claims against it in this Multidistrict Litigation should be dismissed.

1. Getinge AB is a Swedish corporation without any physical presence in the United States, and which does not design, manufacture, label, or sell the C-QUR hernia mesh products at issue in this consolidated proceeding. Accordingly, the Court lacks general and specific personal jurisdiction over Getinge AB based on the conduct that is at issue in this matter.

2. Similarly, the Court lacks personal jurisdiction over Getinge AB on any of the alternative theories espoused by Plaintiffs, namely alter ego, agency, or successor liability. These theories are the primary focus of, and dealt with in detail in, the attached Memorandum of Law.

3. Getinge AB previously moved to dismiss for lack of personal jurisdiction, and the Court denied that motion without prejudice, allowing Getinge AB to re-file following the completion of jurisdictional discovery. Doc. no. 300 at 19.

4. Jurisdictional discovery closed on September 14, after the parties' agreements to extend the original deadline were approved by the Court.

5. Because the Getinge AB is not at home in the United States; because it has no contact with the United States in terms of designing, manufacturing, labeling or selling the products at issue in this matter; and because there is no basis to impute Atrium Medical Corporation's contacts to Getinge AB, Getinge AB respectfully renews its Motion to Dismiss for Lack of Personal Jurisdiction.

6. This motion is supported by the annexed Memorandum of Law, and the exhibits thereto.

7. Because this motion is dispositive, Plaintiffs' concurrence was not sought. LR 7.1(c).

WHEREFORE, Getinge AB respectfully requests that the Court grant its motion and enter an order dismissing it from all cases in the above-captioned litigation for lack of personal jurisdiction.

Dated: October 5, 2018

Respectfully submitted,

**GETINGE AB**

/s/ Hugh J. Turner Jr., Esq.

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### **CERTIFICATE OF SERVICE**

In accordance with Rule 5.1(d) of the Local Rules of the United States District Court for the District of New Hampshire, I hereby certify that a true and correct copy of the foregoing document has this 5<sup>th</sup> day of October, 2018, been filed electronically with the Clerk of Court using the CM/ECF system. Notice of these filings will be sent to all counsel of record and parties by operation of the Court's electronic filing system.

/s/ Hugh J. Turner Jr.  
Hugh J. Turner Jr., Esq.